

**OFFICIAL JOURNAL  
OF THE  
SENATE  
OF THE  
STATE OF LOUISIANA**

**THIRTEENTH DAY'S PROCEEDINGS**

**Thirty-Eighth Regular Session of the Legislature  
Under the Adoption of the  
Constitution of 1974**

Senate Chamber  
State Capitol  
Baton Rouge, Louisiana

Wednesday, April 4, 2012

The Senate was called to order at 1:10 o'clock P.M. by Hon. John A. Alario Jr., President of the Senate.

**Morning Hour  
CONVENING ROLL CALL**

The roll being called, the following members answered to their names:

**PRESENT**

Mr. President	Dorsey-Colomb	Nevers
Adley	Erdey	Peacock
Allain	Guillory	Perry
Amedee	Johns	Peterson
Appel	Kostelka	Riser
Broome	LaFleur	Smith, G.
Buffington	Long	Thompson
Chabert	Martiny	Walsworth
Claitor	Mills	Ward
Cortez	Morrell	White
Crowe	Morrish	
Donahue	Murray	
Total - 34		

**ABSENT**

Brown	Heitmeier	Tarver
Gallot	Smith, J.	
Total - 5		

The President of the Senate announced there were 34 Senators present and a quorum.

**Prayer**

The prayer was offered by Pastor Waylon Bailey, following which the Senate joined in the Pledge of Allegiance to the flag of the United States of America.

**Reading of the Journal**

On motion of Senator Morrell, the reading of the Journal was dispensed with and the Journal of April 3, 2012, was adopted.

**Senate Bills and Joint Resolutions  
on Second Reading**

**SENATE BILL NO. 676— (Substitute of Senate Bill No. 437 by Senator Crowe)**

BY SENATOR CROWE

**AN ACT**

To amend and reenact R.S. 23:1513(A)(1), 1553(A), 1576, 1601(8), 1713(B) and (C), 1714, and 1726 and to enact R.S. 23:1531.1(E), relative to unemployment compensation; to provide for the penalty and interest account; to provide for filing certain documents; to provide for separation notices; to provide

for method of calculation regarding the experience-rating account of an employer; to provide for disqualification of employee benefits subsequent to commission of a fraudulent act; to provide for the recovery of overpayment of benefits; to provide for the payment of certain benefits; and to provide for related matters.

On motion of Senator Crowe the bill was read by title, ordered engrossed and passed to a third reading.

**SENATE BILL NO. 677—**

BY SENATOR MORRELL

**AN ACT**

To amend and reenact R.S. 33:4702(B)(1), (2), (3), (4), (6), and (7) and 4702 (D), (E), and (F) and to enact R.S. 33:4701(D) and 4702(C)(3), (H), (I), and (J), relative to Orleans Parish; to change references to legislative districts in Orleans Parish which has appointing authority for members serving on the board of the New Orleans Regional Business Park; to provide for the board's membership, term of office, its powers and duties; and to provide for related matters.

On motion of Senator Dorsey-Colomb the bill was read by title, ordered engrossed and passed to a third reading.

**Senate Resolutions on  
Second Reading**

**SENATE RESOLUTION NO. 35—**

BY SENATOR CHABERT

**A RESOLUTION**

To commend Jay Paul Molinere as a great ambassador of Louisiana's outdoor lifestyle and culture.

On motion of Senator Chabert the resolution was read by title and adopted.

**SENATE RESOLUTION NO. 36—**

BY SENATOR CHABERT

**A RESOLUTION**

To commend R.J. Molinere as a great ambassador of Louisiana's outdoor lifestyle and culture.

On motion of Senator Chabert the resolution was read by title and adopted.

**Message from the House**

**ASKING CONCURRENCE IN  
HOUSE BILLS AND JOINT RESOLUTIONS**

April 3, 2012

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has finally passed and asks your concurrence in the following House Bills and Joint Resolutions:

HB NO. 26	HB NO. 281	HB NO. 316
HB NO. 455	HB NO. 476	HB NO. 596
HB NO. 652	HB NO. 729	HB NO. 783
HB NO. 839	HB NO. 958	HB NO. 831
HB NO. 912	HB NO. 937	

Respectfully submitted,  
ALFRED W. SPEER  
Clerk of the House of Representatives

**House Bills and Joint Resolutions  
on First Reading**

**HOUSE BILL NO. 26—**

BY REPRESENTATIVE CONNICK

AN ACT

To enact R.S. 9:3191.1, relative to the return of expropriated residential property; to provide for prescription; to provide for payment; to provide for transfer of ownership; to provide for civil procedures for opposing transfer of ownership; to provide for applicability; and to provide for related matters.

The bill was read by title and placed on the Calendar for a second reading.

HOUSE BILL NO. 281—

BY REPRESENTATIVE GREENE

AN ACT

To amend and reenact R.S. 9:203(E), relative to judges of a court of the United States; to authorize certain federal judges to perform marriage ceremonies; and to provide for related matters.

The bill was read by title and placed on the Calendar for a second reading.

HOUSE BILL NO. 316—

BY REPRESENTATIVE HONORE

AN ACT

To amend and reenact Section 3(C)(1) of Act No. 151 of the 1969 Regular Session of the Legislature, as amended by Act No. 551 of the 1984 Regular Session of the Legislature, and as amended by Act No. 91 of the 1995 Regular Session of the Legislature, relative to the board of commissioners for the Greater Baton Rouge Airport District; to add a designated state representative district; and to provide for related matters.

The bill was read by title and placed on the Calendar for a second reading.

HOUSE BILL NO. 455—

BY REPRESENTATIVE ABRAMSON

AN ACT

To amend and reenact R.S. 9:371 and Code of Civil Procedure Article 3604(B)(introductory paragraph) and (3) and to enact Code of Civil Procedure Article 3604(D) and (E), relative to injunctions; to provide for service of injunctions, preliminary injunctions, and temporary restraining orders on federally insured financial institutions; to provide for liability of federally insured financial institutions for compliance with injunctions, preliminary injunctions, and temporary restraining orders; and to provide for related matters.

The bill was read by title and placed on the Calendar for a second reading.

HOUSE BILL NO. 476—

BY REPRESENTATIVE ABRAMSON

AN ACT

To amend and reenact R.S. 9:1951 and to enact R.S. 9:1953, relative to the Louisiana Trust Code; to provide for the general rule for trusts created for mixed private and charitable purposes; to provide for the assignment of interest in a trust created for mixed private and charitable purposes; to provide for the termination of a trust created for mixed private and charitable purposes; and to provide for related matters.

The bill was read by title and placed on the Calendar for a second reading.

HOUSE BILL NO. 596—

BY REPRESENTATIVE ST. GERMAIN AND SENATOR WARD

AN ACT

To amend and reenact R.S. 9:4784(D) and to enact Part XVII of Chapter 1 of Title 9 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 9:4791 through 4798, relative to towed and stored vessels; to provide for sales of certain boats; to provide for definitions; to provide for a privilege on towed and stored vessels; to provide for notice and advertisement; to provide for the disposition of proceeds; to provide for the authority to promulgate rules and regulations; and to provide for related matters.

The bill was read by title and placed on the Calendar for a second reading.

HOUSE BILL NO. 652—

BY REPRESENTATIVE LEGER

AN ACT

To amend and reenact R.S. 34:3460 and R.S. 38:2318.1(B) and to enact R.S. 34:3523, relative to contracts let by ports pursuant to a pilot program; to authorize ports to use the design-build method as a pilot program on a limited number of construction projects; to provide for a selection process for the design-builder; to provide for requirements, rights, and powers for the design-builder; to provide for notice and advertisement procedures; to authorize a private design professional to develop project descriptions; to establish an evaluation committee and its responsibilities; to establish a technical review committee and its responsibilities; to provide procedures for selection of the successful proposal; to provide a review process; to provide guidelines relative to legal action; and to provide for related matters.

The bill was read by title and placed on the Calendar for a second reading.

HOUSE BILL NO. 729—

BY REPRESENTATIVES ROBIDEAUX, ADAMS, BARRAS, WESLEY BISHOP, BROADWATER, GUILLORY, HAZEL, HOFFMANN, JOHNSON, LORUSSO, THIBAUT, AND PATRICK WILLIAMS

AN ACT

To enact Chapter 5 of Subtitle V of Title 47 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 47:4401, relative to corporation income and franchise taxes; to authorize the establishment of the Corporate Tax Apportionment Program and to provide for the administration thereof; to provide for certain definitions; to provide for contracts; to provide for certain eligibility requirements, limitations, and restrictions of such program; to prohibit the approval of certain contracts after a certain date; to provide with respect to applications; to authorize the promulgation of rules and regulations; to provide for an effective date; and to provide for related matters.

The bill was read by title and placed on the Calendar for a second reading.

HOUSE BILL NO. 783—

BY REPRESENTATIVES FANNIN, ADAMS, ANDERS, ARMES, BARRAS, BERTHELOT, BILLIOT, BROADWATER, BURFORD, HENRY BURNS, BURRELL, CARTER, CHAMPAGNE, CHANEY, CONNICK, COX, DIXON, EDWARDS, GAINES, GAROFALO, GEYMAN, GISCLAIR, GUILLORY, HARRIS, HARRISON, HAVARD, HAZEL, HENRY, HENSGENS, HILL, HOFFMANN, HONORE, HOWARD, HUNTER, HUVAL, KATRINA JACKSON, JAMES, JEFFERSON, JOHNSON, JONES, LAMBERT, TERRY LANDRY, LEBAS, LEOPOLD, LIGI, LORUSSO, MILLER, MONTOUCET, MORENO, JAY MORRIS, JIM MORRIS, NORTON, ORTEGO, PIERRE, POPE, PRICE, PYLANT, REYNOLDS, RICHARD, RICHARDSON, RITCHIE, ROBIDEAUX, SCHEXNAYDER, SCHRODER, SHADOIN, SIMON, SMITH, ST. GERMAIN, THIBAUT, THOMPSON, WHITNEY, AND PATRICK WILLIAMS AND SENATORS KOSTELKA AND RISER

AN ACT

To amend and reenact R.S. 48:196(A) and to enact R.S. 48:196.1, relative to the issuance of bonds; to authorize the State Bond Commission to issue bonds secured by certain licenses and fees; to provide for the deposit of certain monies into the State Highway Improvement Fund; to provide for the use of the proceeds of the bonds; to provide for a special fund; to provide for certain requirements and limitations on the issuance of bonds; to provide for a procedure to contest the validity of issuance of the bonds; to provide for the rights of bondholders; to authorize the issuance of refunding bonds; to provide for an effective date; and to provide for related matters.

The bill was read by title and placed on the Calendar for a second reading.

**HOUSE BILL NO. 831—**

BY REPRESENTATIVE HAZEL  
AN ACT

To amend and reenact R.S. 38:2227(A), relative to bidders on public contracts; to revise provisions prohibiting certain contractors from bidding on public contracts; and to provide for related matters.

The bill was read by title and placed on the Calendar for a second reading.

**HOUSE BILL NO. 839—**

BY REPRESENTATIVE HENRY  
AN ACT

To amend and reenact R.S. 32:1713(3) and (5), 1717(A)(1), 1717.1(A), 1718(A)(introductory paragraph), (1), (2), and (3), 1719(A), 1720(A), 1728(A) and (D)(4), 1728.2(D)(4) and (G)(2), and 1736(A)(2), (C), and (D), to enact R.S. 32:1713(7) and (8), 1717(A)(4), and 1735(D), and to repeal R.S. 32:1714(6), relative to the Louisiana Towing and Storage Act; to provide for certain qualifications; to provide for the licensing of towing and storage facilities; to provide for notification of a towed vehicle to law enforcement; to provide for notification of a towed or stored vehicle to the Department of Transportation and Development; to provide for notification of a towed or stored vehicle to the vehicle owner and lienholder; to provide for the disposal of a stored vehicle; to provide for the waiver of fees when disposing a vehicle; to provide for gate fees; to provide for the towing of vehicles from private property; and to provide for related matters.

The bill was read by title and placed on the Calendar for a second reading.

**HOUSE BILL NO. 912—**

BY REPRESENTATIVE NANCY LANDRY  
AN ACT

To amend and reenact Children's Code Articles 1247 through 1250 and 1252(A), relative to intrafamily adoptions; to provide relative to notice to certain persons; to provide for the filing of an answer; to provide for redacting of social security numbers; to provide for service of process; to provide relative to investigations by the Department of Children and Family Services; and to provide for related matters.

The bill was read by title and placed on the Calendar for a second reading.

**HOUSE BILL NO. 937—**

BY REPRESENTATIVES ROBIDEAUX, ADAMS, BARRAS, WESLEY BISHOP, BROADWATER, BURFORD, GUILLORY, HAZEL, HOFFMANN, LORUSSO, AND THIBAUT  
AN ACT

To enact Chapter 54 of Title 51 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 51:3111 through 3115, relative to the creation of a Corporate Headquarters Relocation Program; to authorize contracts with businesses that relocate or expand a headquarters in the state; to provide for the content and approval of contracts; to provide for the authority of the Department of Economic Development; to provide for an effective date; and to provide for related matters.

The bill was read by title and placed on the Calendar for a second reading.

**HOUSE BILL NO. 958—**

BY REPRESENTATIVES ROBIDEAUX, ADAMS, BARRAS, WESLEY BISHOP, BROADWATER, GUILLORY, HAZEL, HOFFMANN, JOHNSON, LORUSSO, AND THIBAUT  
AN ACT

To enact Chapter 54 of Title 51 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 51:3111, relative to the creation of the Competitive Projects Payroll Incentive Program; to provide for contract for the payment of rebates to certain qualified businesses; to provide for procedures and requirements for the execution of such contracts and the payment or repayment of such rebates; to prohibit the approval of certain

contracts after a certain date; to provide for an effective date; and to provide for related matters.

The bill was read by title and placed on the Calendar for a second reading.

**House Bills and Joint Resolutions on  
Second Reading**

**HOUSE BILL NO. 120—**

BY REPRESENTATIVE LOPINTO  
AN ACT

To amend and reenact R.S. 15:568 and 570(A)(4), (C), (D), (E), and (F) and to enact R.S. 15:570(G) and (H), relative to executions of death sentences; to provide relative to those persons required to be present; to provide relative to a person's refusal to attend; to provide relative to the confidentiality of the identity of certain persons participating in the execution; to provide relative to the licensing of certain persons participating in the execution; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Judiciary C.

**HOUSE BILL NO. 146—**

BY REPRESENTATIVE GREENE  
AN ACT

To amend and reenact R.S. 27:65(B)(11), 239.1, and 361(F), relative to gaming; to provide with respect to the methods of wagering at gaming facilities; to prohibit the use of debit cards for wagering; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Judiciary B.

**HOUSE BILL NO. 827—**

BY REPRESENTATIVE HAZEL  
AN ACT

To amend and reenact R.S. 14:110(B)(3) and (E) and to enact R.S. 14:110(B)(4), relative to escape; to provide relative to the crime of simple and aggravated escape; to expand the listing of prison facilities to include home incarceration; to provide for penalties; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Judiciary C.

**HOUSE BILL NO. 917—**

BY REPRESENTATIVES BROSETT, BARROW, WESLEY BISHOP, COX, HAZEL, KATRINA JACKSON, JAMES, JEFFERSON, MONTOUCET, NORTON, ORTEGO, RICHARD, SMITH, AND ST. GERMAIN  
AN ACT

To amend and reenact R.S. 18:1308(B), relative to absentee voting by mail; to provide relative to procedures for voting absentee by mail; to provide relative to the means by which absentee voting materials may be returned to the registrar; to require certification under certain circumstances; to provide for limitations; to provide for definitions; to provide for effectiveness; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Senate and Governmental Affairs.

**Reports of Committees**

The following reports of committees were received and read:

**REPORT OF COMMITTEE ON  
INSURANCE**

Senator Dan W. "Blade" Morrish, Chairman on behalf of the Committee on Insurance, submitted the following report:

April 4, 2012

April 4, 2012

To the President and Members of the Senate:

I am directed by your Committee on Insurance to submit the following report:

**SENATE BILL NO. 167—**  
BY SENATOR GARY SMITH

AN ACT

To enact R.S. 22:1431 through 1437, relative to portable electronics insurance; to provide definitions; to provide with respect to the vendors of portable electronic devices; to provide for the requirements for the sale of portable electronics insurance; to provide with respect to termination of portable electronics insurance; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 231—**  
BY SENATOR MURRAY

AN ACT

To enact R.S. 22:1006.1, relative to prior authorization forms; to provide with respect to the issuance and use of prior authorization forms; to provide for an effective date; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 233—**  
BY SENATOR GARY SMITH

AN ACT

To enact R.S. 22:1486, relative to automobile insurance; to provide for premiums charged on insurance policies; to provide for the use of the insured's parish of residence in formulating a schedule of premiums in certain circumstances; and to provide for related matters.

Reported favorably.

Respectfully submitted,  
DAN W. "BLADE" MORRISH  
Chairman

**REPORT OF COMMITTEE ON**

**SENATE AND GOVERNMENTAL AFFAIRS**

Senator Lee "Jody" Amedee, Chairman on behalf of the Committee on Senate and Governmental Affairs, submitted the following report:

April 4, 2012

To the President and Members of the Senate:

I am directed by your Committee on Senate and Governmental Affairs to submit the following report:

**SENATE CONCURRENT RESOLUTION NO. 42—**  
BY SENATOR PERRY

A CONCURRENT RESOLUTION

To designate the city of Scott as the Boudin Capital of the World.

Reported favorably.

**SENATE BILL NO. 84—**  
BY SENATOR MARTINY

AN ACT

To enact R.S. 42:1123(18)(e), relative to the Code of Governmental Ethics; to provide for an exception to certain prohibitions of physicians as public servants; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 186—**  
BY SENATOR CLAITOR

A JOINT RESOLUTION

Proposing to amend Article IV, Sections 15 and 16(A), Article V, Section 30, Article VI, Section 13(A), Article VII, Section 24(C), Article VIII, Section 3(C), and Article X, Section 27(A) of the Constitution of Louisiana, relative to state elected officials; to provide relative to the eligibility; and to specify an election for submission of the proposition to electors and provide a ballot proposition.

Reported with amendments.

**SENATE BILL NO. 591—**  
BY SENATOR CLAITOR

AN ACT

To enact R.S. 18:1488, relative to the Louisiana Election Code; to authorize the creation of the Interest On Candidate Contributions Trust Account program; to authorize the supervisory committee on campaign finance disclosure to adopt rules and regulations relative to such program; to provide for oversight of such program; to provide for basic criteria for program development; to provide for implementation; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 622—**  
BY SENATOR AMEDEE

AN ACT

To amend and reenact R.S. 36:202(A) and 203, relative to the Department of Culture, Recreation and Tourism; authorizes the lieutenant governor to perform the duties, functions and responsibilities of the secretary of culture, recreation and tourism; and to provide for related matters.

Reported favorably.

**HOUSE CONCURRENT RESOLUTION NO. 50—**  
BY REPRESENTATIVE HENRY

A CONCURRENT RESOLUTION

To urge and request the National Football League to reconsider the penalties imposed upon the New Orleans Saints.

Reported favorably.

**HOUSE BILL NO. 491—**  
BY REPRESENTATIVE DANAHAY

AN ACT

To amend and reenact R.S. 42:162, relative to oaths of office; to provide relative to manner in which the oath of certain officials is subscribed to and recorded; to provide for the duties of certain officials relative thereto; to provide for effectiveness; and to provide for related matters.

Reported favorably.

Respectfully submitted,  
LEE "JODY" AMEDEE  
Chairman

**REPORT OF COMMITTEE ON**

**COMMERCE, CONSUMER PROTECTION AND INTERNATIONAL AFFAIRS**

Senator Daniel R. Martiny, Chairman on behalf of the Committee on Commerce, Consumer Protection and International Affairs, submitted the following report:

April 4, 2012

To the President and Members of the Senate:

I am directed by your Committee on Commerce, Consumer Protection and International Affairs to submit the following report:

**SENATE BILL NO. 171—**  
BY SENATOR MARTINY

AN ACT

To amend and reenact R.S. 44:22(F), relative to economic development negotiations; to provide relative to confidentiality of certain information; to extend certain sunset provisions from 2012 to 2016; and to provide for related matters.

Reported favorably.

**SENATE BILL NO. 399—**  
BY SENATOR WHITE

AN ACT

To amend and reenact R.S. 12:403(2) and 407, relative to electric cooperatives; to provide relative to powers and bylaws; to provide for perpetual existence of cooperatives in certain circumstances; to provide relative to adoption, amendment, or repeal of bylaws; to provide certain terms, conditions, and requirements; to provide for the board of directors taking certain actions without authorization of the members of the cooperative; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 426—**  
BY SENATOR MARTINY

AN ACT

To amend and reenact R.S. 44:3.2(C), (D), and (E) and to enact R.S. 44:3.2(F), relative to economic development; to provide for the confidentiality of any proprietary or trade secret information submitted to the Department of Economic Development for economic development purposes; to provide for an effective date; and to provide for related matters.

Reported favorably.

**SENATE BILL NO. 538—**  
BY SENATOR WHITE

AN ACT

To amend and reenact R.S. 40:1730.42 and 1730.45(A) and (B), relative to the state fire marshal; to provide for definitions; to provide for enforcement and rules; and to provide for related matters.

Reported with amendments.

**HOUSE BILL NO. 113—**  
BY REPRESENTATIVE SCHEXNAYDER

AN ACT

To amend and reenact R.S. 51:656(C)(1)(f) and 658(B) and to enact R.S. 51:650(13), relative to fireworks; to define resident; to establish a resident and nonresident subclassification of fireworks retailer; to establish fees for the resident and nonresident subclassification of fireworks retailer; to increase the maximum criminal fine for operating without a permit; and to provide for related matters.

Reported favorably.

Respectfully submitted,  
DANIEL R. MARTINY  
Chairman

**Senate Bills and Joint Resolutions  
on Second Reading  
Reported by Committees**

**SENATE BILL NO. 71—**  
BY SENATOR MARTINY

AN ACT

To amend and reenact R.S. 40:2266.3, relative to criminalistics laboratories operated by sheriffs; to exempt the criminalistics

laboratory operated by the sheriff of Jefferson Parish from certain requirements; and to provide for related matters.

Reported favorably by the Committee on Judiciary B. The bill was read by title, ordered engrossed and passed to a third reading.

**SENATE BILL NO. 114—**  
BY SENATOR MILLS

AN ACT

To amend and reenact R.S. 40:1299.58.5(A)(2)(a) and (b) and (3), relative to declarations concerning medical procedures; to provide with respect to the order of priority for the procedure for making a declaration for a qualified patient who has not previously made a declaration; to provide for voting number when the class involves multiple persons; and to provide for related matters.

Reported with amendments by the Committee on Health and Welfare.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Health and Welfare to Original Senate Bill No. 114 by Senator Mills

AMENDMENT NO. 1

On page 2, line 13, delete "the patient, while an adult," and insert "an adult patient"

On motion of Senator Heitmeier, the committee amendment was adopted. The amended bill was read by title, ordered engrossed and passed to a third reading.

**SENATE BILL NO. 156—**  
BY SENATORS MURRAY AND MORRELL

AN ACT

To enact Children's Code Art. 905.1, relative to children committed to the Department of Public Safety and Corrections, to provide for assessment of reading ability; to provide for creation of an academic plan and timetable; to provide for court approval; to provide certain procedures, terms and conditions; and to provide for related matters.

Reported favorably by the Committee on Judiciary A. The bill was read by title, ordered engrossed and recommitted to the Committee on Finance.

**SENATE BILL NO. 255—**  
BY SENATOR MORRELL

AN ACT

To amend and reenact R.S. 14:37.4(C), relative to the crime of aggravated assault with a firearm; to increase the penalties for aggravated assault with a firearm; to provide for an effective date; and to provide for related matters.

Reported with amendments by the Committee on Judiciary C.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Judiciary C to Original Senate Bill No. 255 by Senator Morrell

AMENDMENT NO. 1

On page 1, line 2, change "R.S. 14:37.4(C)" to "R.S. 14:37.4(A) and (C)"

AMENDMENT NO. 2

On page 1, at the beginning of line 3, after "firearm;" insert "to provide relative to the definition of aggravated assault with a firearm;"

AMENDMENT NO. 3

On page 1, line 6, change "R.S. 14:37.4(C) is" to "R.S. 14:37.4(A) and (C) are"

AMENDMENT NO. 4

On page 1, between lines 7 and 8, insert the following: "A. Aggravated assault with a firearm is an assault committed by the discharge of with a firearm."

On motion of Senator Kostelka, the committee amendment was adopted. The amended bill was read by title, ordered engrossed and passed to a third reading.

SENATE BILL NO. 256— BY SENATOR MARTINY

AN ACT

To enact Part I-D of Chapter 7 of Title 15 of the Louisiana Revised Statutes of 1950, comprised of R.S. 15:744 through 744.8, relative to prisoners and correctional institutions; to provide relative to the use of restraints on pregnant prisoners; to provide relative to medical treatment and monitoring of pregnant prisoners; to provide for reporting and record keeping; to provide for definitions; and to provide for related matters.

Reported with amendments by the Committee on Judiciary B.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary B to Original Senate Bill No. 256 by Senator Martiny

AMENDMENT NO. 1

On page 3, at the beginning of line 20, delete "A."

AMENDMENT NO. 2

On page 3, delete lines 26 through 29 and on page 4, delete lines 1 through 4

On motion of Senator Morrell, the committee amendment was adopted. The amended bill was read by title, ordered engrossed and passed to a third reading.

SENATE BILL NO. 266— BY SENATOR MORRELL

AN ACT

To amend and reenact Code of Criminal Procedure Art. 895.1(C), relative to the division of probation and parole; to amend provisions relative to monetary assessments imposed as conditions of probation or parole; to require probation supervision fees to be collected from a defendant under certain conditions; and to provide for related matters.

Reported favorably by the Committee on Judiciary B. The bill was read by title, ordered engrossed and passed to a third reading.

SENATE BILL NO. 303—

BY SENATORS RISER, ADLEY, AMEDEE, BUFFINGTON, CHABERT, CROWE, ERDEY, GUILLORY, JOHNS, KOSTELKA, LAFLEUR, MORRISH, NEVERS, PEACOCK, PERRY, GARY SMITH, JOHN SMITH, THOMPSON, WALSWORTH, WARD AND WHITE AND REPRESENTATIVES ADAMS, ANDERS, ARMES, BERTHELOT, BROADWATER, HENRY BURNS, CHAMPAGNE, GAROFALO, HAVARD, HENRY, HODGES, HOFFMANN, LEOPOLD, LIGI, LORUSSO, MACK, MONTOU CET, PYLANT, SCHEXNAYDER, SEABAUGH, TALBOT AND THOMPSON

A JOINT RESOLUTION

Proposing to amend Article I, Section 11 of the Constitution of Louisiana, relative to one's right to acquire, keep, possess, transport, carry, transfer, and use arms; to provide that any denial or infringement or other restriction be subject to a strict scrutiny standard by courts in determining a violation of the right; and to specify an election for submission of the proposition to electors and provide a ballot proposition.

Reported with amendments by the Committee on Judiciary C.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary C to Original Senate Bill No. 303 by Senator Riser

AMENDMENT NO. 1

On page 1, line 17, after "restriction" insert "on this right"

AMENDMENT NO. 2

On page 2, delete lines 9 through 12, and insert the following: "Do you support an amendment to the Constitution of the State of Louisiana to protect as fundamental the right of individuals to keep and bear arms? (Amends Article I, Section 11)"

On motion of Senator Kostelka, the committee amendment was adopted. The amended bill was read by title, ordered engrossed and passed to a third reading.

SENATE BILL NO. 308— BY SENATOR MURRAY

AN ACT

To amend and reenact R.S. 13:5107(A), relative to service of citation and process; to provide relative to service of citation and process upon the state and state agencies; to provide certain procedures, terms, conditions, and effects; and to provide for related matters.

Reported with amendments by the Committee on Judiciary A.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary A to Original Senate Bill No. 308 by Senator Murray

AMENDMENT NO. 1

On page 2, delete lines 2 through 5 and insert "(2) Service must be requested upon the attorney general within ninety days of filing suit. This shall be sufficient to comply with the requirements of Subsection D of this Section and also Code of Civil Procedure Article 1201(C). However, the duty of the defendant served through the attorney general to answer the suit or file other responsive pleadings does not commence to run until the additional service required upon the agency head has been made."

On motion of Senator Nevers, the committee amendment was adopted. The amended bill was read by title, ordered engrossed and passed to a third reading.

SENATE BILL NO. 319— BY SENATOR MARTINY

AN ACT

To amend and reenact Code of Criminal Procedure Art. 344(C), relative to the right to notice of certain required appearances; to provide with respect to the right to notice of time and place of a defendant's required appearance to the personal surety or the commercial surety; to provide for an effective date; and to provide for related matters.

Reported with amendments by the Committee on Judiciary B.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary B to Original Senate Bill No. 319 by Senator Martiny

AMENDMENT NO. 1

On page 1, line 5, delete "to provide for an effective date;"

AMENDMENT NO. 2

On page 1, line 15, between "given" and "notice" insert "initial"

On motion of Senator Morrell, the committee amendment was adopted. The amended bill was read by title, ordered engrossed and passed to a third reading.

**SENATE BILL NO. 324—**  
BY SENATOR PERRY

AN ACT

To amend and reenact R.S. 13:783(D)(7), relative to the clerk of court of Vermilion Parish; to provide for an automobile expense allowance for the clerk of court of Vermilion Parish; and to provide for related matters.

Reported with amendments by the Committee on Judiciary A.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Judiciary A to Original Senate Bill No. 324 by Senator Perry

**AMENDMENT NO. 1**

On page 1, line 2, after "relative to" delete the remainder of the line and insert "clerks of court; to provide relative to the clerk of court of Cameron Parish, East Feliciana Parish, Vermilion Parish, and West Feliciana Parish;"

**AMENDMENT NO. 2**

On page 1, line 3, after "clerk of court of" delete the remainder of the line and insert "Cameron Parish, East Feliciana Parish, Vermilion Parish, and West Feliciana"

**AMENDMENT NO. 3**

On page 1, line 11, after "Acadia Parish," insert: "**Cameron Parish, East Feliciana Parish,**"

**AMENDMENT NO. 4**

On page 1, line 12, delete "and" and insert "**and**" and after "Washington Parish" insert: "**, and West Feliciana Parish**"

On motion of Senator Nevers, the committee amendment was adopted. The amended bill was read by title, ordered engrossed and passed to a third reading.

**SENATE BILL NO. 434—**BY SENATOR PETERSON AND REPRESENTATIVE LEGER  
AN ACT

To amend and reenact R.S. 15:168(B)(2), relative to judicial district indigent defender funds; to require the inclusion of certain data with monthly remittances in Orleans Parish; to require certain notification; and to provide for related matters.

Reported favorably by the Committee on Judiciary B. The bill was read by title, ordered engrossed and passed to a third reading.

**SENATE BILL NO. 435—**

BY SENATOR BROOME

AN ACT

To enact R.S. 15:541.1, relative to human trafficking; to provide that certain establishments shall post information regarding the National Human Trafficking Resource Center hotline; to provide for the form and content of the posting; to provide for languages in which the information is to be posted; to provide for certain departments to notify affected establishments of the requirements; to provide for a civil penalty; and to provide for related matters.

Reported with amendments by the Committee on Judiciary B.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Judiciary B to Original Senate Bill No. 435 by Senator Broome

**AMENDMENT NO. 1**

On page 2, delete lines 24 and 25 and insert the following: "**establishment described in Subsection A of this Section over which that department exercises any regulatory control or authority with the notice required by this**"

**AMENDMENT NO. 2**

On page 2, line 26 delete "**agencies and**"

**AMENDMENT NO. 3**

On page 2, line 28 delete "**agencies and**"

**AMENDMENT NO. 4**

On page 2, delete line 29 and insert "**(1) Department of Revenue.**"

**AMENDMENT NO. 5**

On page 3, delete line 2

**AMENDMENT NO. 6**

On page 3, line 4, delete "**agencies and**"

On motion of Senator Morrell, the committee amendment was adopted. The amended bill was read by title, ordered engrossed and passed to a third reading.

**SENATE BILL NO. 441—**

BY SENATOR NEVERS

AN ACT

To amend and reenact R.S. 22:1269(B)(1)(introductory paragraph), relative to insurance and liability; to provide relative to civil actions against insurers; to provide for rights of injured persons or their survivors; to provide for certain terms, conditions and procedures; and to provide for related matters.

Reported favorably by the Committee on Judiciary A. The bill was read by title, ordered engrossed and passed to a third reading.

**SENATE BILL NO. 456—**

BY SENATORS AMEDEE AND BROWN

AN ACT

To enact R.S. 15:1098.8, relative to juvenile detention centers; to provide for the creation of a multi-jurisdictional board of commissioners to support the operation of a juvenile detention facility; to provide the purpose and boundaries of the district; to provide for the governance of the district; to provide for the duties and powers of the district; to provide for special costs; and to provide for related matters.

Reported with amendments by the Committee on Judiciary B.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Judiciary B to Original Senate Bill No. 456 by Senator Amedee

**AMENDMENT NO. 1**

On page 2, line 22, change "**assistant secretary**" to "**deputy secretary**"

On motion of Senator Morrell, the committee amendment was adopted. The amended bill was read by title, ordered engrossed and passed to a third reading.

**SENATE BILL NO. 457—**

BY SENATOR PERRY

AN ACT

To amend and reenact Code of Civil Procedure Article 4843 (E) and (G), relative to city courts; to provide relative to jurisdiction; to increase the civil jurisdictional maximum amount in dispute in the city courts of Abbeville and Kaplan.

Reported favorably by the Committee on Judiciary A. The bill was read by title, ordered engrossed and passed to a third reading.

**SENATE BILL NO. 462—**

BY SENATORS AMEDEE AND BROWN

AN ACT

To amend and reenact R.S. 15:1110(E), relative to juvenile detention centers; to provide relative to license requirements for St. James Parish Youth Center; and to provide for related matters.

Reported with amendments by the Committee on Judiciary B.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary B to Original Senate Bill No. 462 by Senator Amedee

AMENDMENT NO. 1

On page 1, delete line 3, and insert "relative to the effective date for required license; and to provide"

AMENDMENT NO. 2

On page 1, line 9, after "(E)." delete "(1)" and strike "January 1," and insert "July 1,"

AMENDMENT NO. 3

On page 1, delete lines 12 through 14

On motion of Senator Morrell, the committee amendment was adopted. The amended bill was read by title, ordered engrossed and passed to a third reading.

SENATE BILL NO. 547— BY SENATOR PEACOCK

AN ACT

To enact R.S. 12:1308.3, relative to limited liability companies; to provide for change in the jurisdiction of domestic and foreign companies; and to provide for related matters.

Reported by substitute by the Committee on Judiciary A. The bill was read by title; the committee substitute bill was read.

SENATE BILL NO. — (Substitute of Senate Bill No. 547 by Senator Peacock)

BY SENATOR PEACOCK

AN ACT

To enact R.S. 12:1308.3, relative to limited liability companies; to provide for the manner of converting the state of organization of domestic and foreign limited liability companies; to provide certain terms, conditions, procedures, requirements, and effects; to provide for the content and requirements for certain certificates; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 12:1308.3 is hereby enacted to read as follows:

§1308.3. Conversion of state of organization

A. Unless prohibited by the laws of the other state, a domestic limited liability company may convert its state of organization from this state to any other state, and a foreign limited liability company may convert its state of organization from any other state to this state.

B. Such conversion may be made by a limited liability company only pursuant to this Section and only after authorization by a majority of the members, or by such larger vote as the articles of organization or an operating agreement may require.

C. The domestic or foreign limited liability company seeking conversion shall file with the Louisiana Secretary of State a written request for conversion of the state of organization. Such request shall contain all of the following:

(1) The name of the limited liability company, which shall comply with the provisions of R.S. 12:1306.

(2) The full name and municipal address of either each current manager of the limited liability company, if management of the limited liability company is vested in one or more managers, or of each of the current members, if management of the limited liability company is reserved to the members.

(3) A statement as appropriate that the limited liability company is converting its state of organization from another named state to this state and is continuing its existence in and under the laws of this state, or is converting its state of organization from this state to another named state and is continuing its existence in and under the laws of such other named state.

(4) A statement that a majority of the members, or such larger vote as the articles of organization or the operating

agreement may require, has approved the conversion of the state of organization.

(5) The manner and basis of converting the interests of the members of the limited liability company into the interests of the members in the converted limited liability company.

(6) A statement that the limited liability company in changing its state of organization has complied with the laws and requirements of both the prior and new state of organization.

(7) Any other provision, attachment, or exhibit, not inconsistent with law, that the members elect to set forth or include in the certificate of conversion.

(8) If the limited liability company is converting its state of organization from another state to this state:

(a) the location and municipal street address, if any, of the limited liability company's registered office. An address consisting of a post office box alone is insufficient.

(b) the location and municipal street address, if any, of each of the limited liability company's registered agents together with a notarized affidavit of acknowledgment and acceptance signed by each such agent. An address consisting of a post office box alone is insufficient.

D. The request for conversion may be delivered to the secretary of state for filing as of any specified date, and, if specified upon such delivery, as of any given time on such date, within thirty days after the date of delivery.

E. If the secretary of state finds that the request for conversion is in compliance with the provisions of this Section, and after all fees have been paid as required by law, the secretary of state shall record in his office the request for conversion and any attachments or exhibits thereto, after endorsing thereon the date and, if requested, the hour of filing. Thereafter, the secretary of state shall either issue to the limited liability company a certificate of conversion, reciting that such limited liability company has complied with the requirements of this state for converting its state of organization, or advise the limited liability company with reasons why it has denied the request for conversion.

F. Upon receipt of the certificate of conversion from the secretary of state, and after compliance as applicable with the laws of the other state:

(1) A domestic limited liability company converting its state of organization from this state to another state shall be deemed to be organized solely under the laws of such other state and no longer under the laws of this state. The limited liability company shall continue to exist without interruption in its organizational form. All rights, title, interests, obligations, and liabilities of the limited liability company shall continue in the limited liability company without impairment, diminution, or termination. Any proceeding pending by or against the limited liability company or its members or managers, in their capacities as such, may be continued by or against the limited liability company without the need for substituting a new party to such proceeding as a result of any conversion of the state of organization as authorized in this Section. The limited liability company shall be deemed to have appointed the secretary of state in this state as its agent for service of process in any proceeding to enforce any liability or obligation against the limited liability company arising or existing prior to the effective time of the conversion of the state of organization.

(2) A foreign limited liability company converting its state of organization from another state to this state shall be deemed to be organized solely under the laws of this state and no longer under the laws of such other state. The limited liability company shall continue to exist without interruption in its organizational form. All rights, title, interests, obligations, and liabilities of the limited liability company shall continue in the limited liability company without impairment, diminution, or termination. Any proceeding pending by or against the limited liability company or its members or managers, in their capacities as such, may be continued by or against the limited liability company without the need for substituting a new party to such proceeding as a result of a change of the state of organization authorized under this Section. The certificate of conversion issued by the Louisiana Secretary of State shall be conclusive evidence of the fact that the

limited liability company has been duly organized under the laws of this state, except that in any proceeding brought by the state to annul, forfeit, or vacate a company's franchise, the certificate of conversion shall be only prima facie evidence of due organization.

G. In addition to the other requirements of this Section, a domestic limited liability company converting its state of organization from this state to another state shall also file with the Louisiana Secretary of State a certified copy of the certificate of organization or other official certificate obtained by it from the other state evidencing the company's organization under the laws of such state. Such certified copy shall be filed with the Louisiana Secretary of State not later than thirty days after issuance of the official certificate evidencing the company's organization under the laws of the other state.

Section 2. The provisions of this act shall become effective on January 1, 2013.

On motion of Senator Nevers, the committee substitute bill was adopted and becomes Senate Bill No. 746 by Senator Peacock, substitute for Senate Bill No. 547 by Senator Peacock.

**SENATE BILL NO. 746— (Substitute of Senate Bill No. 547 by Senator Peacock)**

BY SENATOR PEACOCK

AN ACT

To enact R.S. 12:1308.3, relative to limited liability companies; to provide for the manner of converting the state of organization of domestic and foreign limited liability companies; to provide certain terms, conditions, procedures, requirements, and effects; to provide for the content and requirements for certain certificates; and to provide for related matters.

The bill was read by title and placed on the Calendar for a second reading.

**Special Order of the Day No. 1**

**HOUSE BILL NO. 974—**

BY REPRESENTATIVES CARTER, KLECKLEY, BROADWATER, CHAMPAGNE, CONNICK, HENRY, HENSGENS, LIGI, LORUSSO, PONTI, ROBIDEAUX, SCHRODER, SEABAUGH, TALBOT, AND THOMPSON AND SENATORS ALARIO AND APPEL

AN ACT

To amend and reenact R.S. 17:54(B)(1)(b)(i) and (iii), 81(A) and (P)(1), 81.4, 229, and 414.1, 441, 442, 443, and 444(B)(1), to enact R.S. 17:418 and 532(C), and to repeal R.S. 17:44, 45, 81(I), 154.2, 235.1(E), 346.1, 419, 419.1, 420, 421, 421.1, 421.2, 421.3, 421.5, 422, 422.1, 422.2, 422.3, 422.4, 422.5, 431, 444(A) and (B)(2) and (3), 446, 461 through 464, and 1207, relative to elementary and secondary education; to provide with respect to teachers and other school employees; to provide with respect to local school superintendents, their employment, and their duties and responsibilities; to provide relative to local school boards and their functions and powers; to provide relative to school personnel decisions; to provide relative to school board reduction in force policies; to provide with respect to the salaries and compensation of teachers and other school employees; to provide relative to tenure for school employees and the removal of tenured and nontenured teachers; to provide for effectiveness; and to provide for related matters.

**Floor Amendments**

Senator Walsworth proposed the following amendments.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Walsworth to Reengrossed House Bill No. 974 by Representative Carter

**AMENDMENT NO. 1**

On page 11, line 3, change "July 1, 2012" to "September 1, 2012"

On motion of Senator Walsworth, the amendments were adopted.

**Floor Amendments**

Senator Gallot proposed the following amendments.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Gallot to Reengrossed House Bill No. 974 by Representative Carter

**AMENDMENT NO. 1**

On page 1, line 3, change "and 532(C)" to ", 532(C) and 3906"

**AMENDMENT NO. 2**

On page 1, line 13, between "teachers;" and "to provide" insert "to provide relative to the applicability of the teacher and administrator evaluation program;"

**AMENDMENT NO. 3**

On page 10, line 2, change "is" to "and 3906 are"

**AMENDMENT NO. 4**

On page 14, between lines 22 and 23 insert the following:

**§3906. Applicability**

A. The provisions of this Part shall not apply to any teacher or administrator who is participating in the Deferred Retirement Option Program (DROP) of his retirement system on or before September 1, 2012, provided that such teacher or administrator retires at the end of his prescribed period for participation in DROP.

B. If for any reason, a teacher or administrator does not retire at the end of his prescribed period for participation in DROP, such teacher or administrator shall forfeit any acquired tenure and shall henceforth be subject to the provisions of this Part."

Senator Gallot moved the adoption of the amendments.

Senator Appel objected.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Brown	Heitmeier	Murray
Dorsey-Colomb	Kostelka	Peterson
Erdey	LaFleur	Smith, G.
Gallot	Morrish	Smith, J.
Total - 12		

**NAYS**

Mr. President	Crowe	Peacock
Adley	Donahue	Perry
Allain	Guillory	Riser
Amedee	Johns	Tarver
Appel	Long	Thompson
Buffington	Martiny	Walsworth
Chabert	Mills	Ward
Claitor	Morrell	White
Cortez	Nevers	
Total - 26		

**ABSENT**

Broome  
Total - 1

The Chair declared the amendments were rejected.

**Floor Amendments**

Senator Adley proposed the following amendments.

April 4, 2012

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Adley to Reengrossed House Bill No. 974 by Representative Carter

AMENDMENT NO. 1

On page 11, at the end of line 19, after "thereto." insert "If a teacher is rated "highly effective" based on the evidence of the growth portion of the evaluation but is rated "ineffective" according to the observation portion, within thirty days after such finding, the teacher shall be entitled to a second observation by members of a team of three designees, chosen by the local superintendent, which shall not include the principal."

On motion of Senator Adley, the amendments were adopted.

The bill was read by title. Senator Appel moved the final passage of the amended bill.

ROLL CALL

The roll was called with the following result:

YEAS

Table listing names of members voting YEAS: Mr. President, Adley, Allain, Amedee, Appel, Brown, Buffington, Chabert, Claitor, Cortez, Crowe, Donahue, Guillory, Heitmeier, Long, Martiny, Peacock, Riser, Smith, G., Tarver, Walsworth, Ward, White.

Total - 23

NAYS

Table listing names of members voting NAYS: Broome, Dorsey-Colomb, Erdey, Gallot, Johns, Kostelka, LaFleur, Mills, Morrell, Morrish, Murray, Nevers, Perry, Peterson, Smith, J., Thompson.

Total - 16

ABSENT

Total - 0

The Chair declared the amended bill was passed and ordered it returned to the House. Senator Appel moved to reconsider the vote by which the bill was passed and laid the motion on the table.

Special Order of the Day No. 2

HOUSE BILL NO. 976—

BY REPRESENTATIVES CARTER, KLECKLEY, BROADWATER, CHAMPAGNE, CONNICK, HENRY, HENSGENS, LIGI, LORUSSO, PONTI, ROBIDEAUX, SCHRODER, SEABAUGH, TALBOT, AND THOMPSON AN ACT

To amend and reenact R.S. 17:22(7)(a), 158(A)(1), 3973(3) through (6), 3981(4), 3982(A)(1)(a) and (2) and (B), 3983(A)(2)(a)(i), (3)(a), and (4)(a), (b), and (d), (B)(2), and (D), 3991(B)(3) and (13), (C)(1)(c)(iv) and (6), (D)(2)(a)(i), and (H), 3992(A)(1), 3995(A)(1)(introductory paragraph) and (c) and (4)(a), 3996(C) and (G), 3998, 4001(A) and (C)(1) and (2), and Part I of Chapter 43 of Title 17 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 17:4011 through 4025, to enact R.S. 17:10.5(F), 3973(2)(b)(vi) and (7), 3974, 3981(7) and (8), 3981.1, 3981.2, 3982(A)(3), 3983(A)(2)(a)(iii) and (d) and (3)(d) and (E)(3), 3992(D), and Part VII of Chapter 42 of Title 17 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 17:4002.1 through 4002.6, and to repeal R.S. 17:3991(B)(9) and 3996(A)(16) and (B)(4), relative to school choice; to provide relative to reports by the superintendent of education; to provide relative to the Student Scholarships for Educational Excellence Program; to provide relative to program

eligibility and participation requirements for students and schools; to provide relative to selection and enrollment of eligible students; to provide relative to funding and payments to eligible schools including eligible nonpublic schools; to provide for reports; to provide for the submission of petitions by parents requesting that a school be transferred to the Recovery School District under certain conditions; to require rules and regulations to be adopted by the State Board of Elementary and Secondary Education for the petition process; to change charter proposal submission time lines; to provide a mechanism for Type 1 and Type 3 charter schools to convert to a Type 2 charter school under certain conditions; to authorize the state board to allow the state superintendent of education and the superintendent of the Recovery School District to amend the charter of Type 5 charter schools to accommodate a unified enrollment system; to modify the initial charter period; to provide for charter school admission requirements; to allow foreign language immersion schools to establish special admission standards; to provide for the qualifications of teachers; to provide relative to the evaluation of charter school teachers and other school employees; to provide relative to teacher certification requirements; to remove the requirement that charter schools comply with laws relative to the length of the school year; to provide for the Course Choice Program; to provide for program definitions and funding; to provide for the powers of the State Board of Elementary and Secondary Education and local public school systems relative to course providers; to provide relative to entities that authorize charter schools; to provide for certification of certain state agencies and nonprofit corporations as charter authorizers; to provide relative to the responsibilities of the State Board of Elementary and Secondary Education with respect to certification of such authorizers; to provide relative to requirements, powers, responsibilities, and limitations of such authorizers; to provide relative to schools whose charter is authorized by such entities, including matters related to funding for such schools; to provide for procedures, processes, fees, and regulations; to prohibit persons who have been convicted of any crime defined as a felony from being a local charter authorizer, member, officer or director of a charter school; and to provide for related matters.

Floor Amendments

Senator LaFleur proposed the following amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator LaFleur to Reengrossed House Bill No. 976 by Representative Carter

AMENDMENT NO. 1

Page 3, line 17, change "fifty-one percent" to "a majority"

AMENDMENT NO. 2

On page 4, line 8, change "fifty-one percent" to "a majority"

AMENDMENT NO. 3

On page 4, line 13, change "fifty-one" to "a majority"

AMENDMENT NO. 4

On page 4, line 14, delete "percent"

On motion of Senator LaFleur, the amendments were adopted.

Floor Amendments

Senator LaFleur proposed the following amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator LaFleur to Reengrossed House Bill No. 976 by Representative Carter

AMENDMENT NO. 1

On page 3, line 20 change "'F'" to "'D'" or "'F'"

AMENDMENT NO. 2

On page 35, line 19, change "'C", "D", or "F'" to "'D'" or "'F'"

AMENDMENT NO. 3

On page 37, line 4, change "'D" or "F'" to "'F'"

AMENDMENT NO. 4

On page 37, line 6, change "'C'" to "'D'"

AMENDMENT NO. 5

On page 37, line 7, after "process." delete the remainder of the line, delete lines 8, 9, and 10, and insert: "However, the department may"

AMENDMENT NO. 6

On page 38, line 24, change "'C", "D", or "F'" to "'D'" or "'F'"

Senator LaFleur moved the adoption of the amendments.

Senator Appel objected.

**ROLL CALL**

The roll was called with the following result:

YEAS

Brown	Kostelka	Peterson
Dorsey-Colomb	LaFleur	Smith, G.
Erdey	Murray	
Gallot	Nevers	
Total - 10		

NAYS

Mr. President	Crowe	Peacock
Adley	Donahue	Perry
Allain	Guillory	Riser
Amedee	Heitmeier	Smith, J.
Appel	Johns	Tarver
Broome	Long	Thompson
Buffington	Martiny	Ward
Chabert	Mills	White
Claitor	Morrell	
Cortez	Morrish	
Total - 28		

ABSENT

Walsworth  
Total - 1

The Chair declared the amendments were rejected.

**Floor Amendments**

Senator Peterson proposed the following amendments.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Peterson to Reengrossed House Bill No. 976 by Representative Carter

AMENDMENT NO. 1

On page 11, between lines 11 and 12 insert the following:  
"G. The state board may rescind a charter approval or agreement between a local charter authorizer and a chartering group if the chartering group has been found by the state board to have a repeating pattern of abuse, neglect, and mistreatment of students."

On motion of Senator Peterson, the amendments were adopted.

**Floor Amendments**

Senator Peterson proposed the following amendments.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Peterson to Reengrossed House Bill No. 976 by Representative Carter

AMENDMENT NO. 1

On page 11, between lines 11 and 12 insert the following:

"H. The state board may enforce repayment penalties against any private, parochial and charter schools that close prior to all students being properly reassigned to another school."

Senator Peterson moved the adoption of the amendments.

Senator Appel objected.

**ROLL CALL**

The roll was called with the following result:

YEAS

Brown	Heitmeier	Nevers
Dorsey-Colomb	LaFleur	Peterson
Gallot	Murray	
Total - 8		

NAYS

Mr. President	Crowe	Peacock
Adley	Donahue	Perry
Allain	Erdey	Riser
Amedee	Guillory	Smith, G.
Appel	Johns	Smith, J.
Broome	Long	Tarver
Buffington	Martiny	Thompson
Chabert	Mills	Walsworth
Claitor	Morrell	Ward
Cortez	Morrish	White
Total - 30		

ABSENT

Kostelka  
Total - 1

The Chair declared the amendments were rejected.

**Floor Amendments**

Senator Appel proposed the following amendments.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Appel to Reengrossed House Bill No. 976 by Representative Carter

AMENDMENT NO. 1

On page 37, line 26, change "Subsection" to "Section"

On motion of Senator Appel, the amendments were adopted.

**Floor Amendments**

Senator Peterson proposed the following amendments.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Peterson to Reengrossed House Bill No. 976 by Representative Carter

April 4, 2012

AMENDMENT NO. 1

On page 45, line 8, after "(2)," insert the following "However, twenty five percent of the scholarships shall be allotted for special needs students from failing C, D, or F schools."

Senator Peterson moved the adoption of the amendments.

Senator Appel objected.

ROLL CALL

The roll was called with the following result:

YEAS

Adley, Broome, Brown, Buffington, Chabert, Dorsey-Colomb, Erdey, Gallot, Kostelka, Long, Murray, Nevers, Peterson, Smith, G., Ward

NAYS

Mr. President, Allain, Amedee, Appel, Claitor, Cortez, Crowe, Donahue, Guillory, Heitmeier, Johns, Martiny, Mills, Morrell, Morrish, Peacock, Perry, Riser, Smith, J., Thompson, Walsworth, White

ABSENT

LaFleur, Tarver

The Chair declared the amendments were rejected.

Floor Amendments

Senator Murray proposed the following amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Murray to Reengrossed House Bill No. 976 by Representative Carter

AMENDMENT NO. 1

On page 20, line 29, after "Type 1," delete "1B."

AMENDMENT NO. 2

On page 21, line 2, after "authority." insert the following: "If the charter agreement of any Type 1B charter school is revoked or the school otherwise ceases to operate, any assets acquired with public funds by the school becomes the property of the local school board."

Senator Murray moved the adoption of the amendments.

Senator Appel objected.

ROLL CALL

The roll was called with the following result:

YEAS

Broome, Brown, Cortez, Dorsey-Colomb, Erdey, Gallot, Kostelka, LaFleur, Murray, Nevers, Peacock, Perry, Peterson

NAYS

Mr. President, Adley, Allain, Amedee, Appel, Buffington, Chabert, Claitor, Crowe, Donahue, Guillory, Heitmeier, Johns, Long, Martiny, Mills, Morrish, Riser, Smith, G., Smith, J., Tarver, Thompson, Walsworth, Ward, White

Total - 25

ABSENT

Morrell, Total - 1

The Chair declared the amendments were rejected.

Floor Amendments

Senator LaFleur proposed the following amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator LaFleur to Reengrossed House Bill No. 976 by Representative Carter

AMENDMENT NO. 1

On page 2, at the end of line 25, between "school;" and "and" insert "to require certain local charter authorizers to comply with the open meetings and public records law;"

AMENDMENT NO. 2

On page 13, between lines 3 and 4, insert the following: "C. Any non-profit corporation certified by the State Board of Elementary and Secondary Education as a local charter authorizer shall be subject to the Open Meetings Law in accordance with R.S. 42:11 et seq and the Public Records Law in accordance with R.S. 44:1 et seq when exercising its authority as a local charter authorizer."

On motion of Senator LaFleur, the amendments were adopted.

Floor Amendments

Senator LaFleur proposed the following amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator LaFleur to Reengrossed House Bill No. 976 by Representative Carter

AMENDMENT NO. 1

On page 39, line 21, after "to the" and before "amount" insert "the state share of the"

AMENDMENT NO. 2

On page 39, line 23, after "characteristics." delete the remainder of the line and delete lines 24 and 25 in their entirety

AMENDMENT NO. 3

On page 40, at the beginning of line 3, before "amount" insert "state share of the"

AMENDMENT NO. 4

On page 40, line 4, after "state" delete the remainder the line and delete lines 5 through 9 in their entirety and insert a period "."

Senator LaFleur moved the adoption of the amendments.

Senator Appel objected.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Dorsey-Colomb	LaFleur	Perry
Erdey	Mills	Peterson
Gallot	Murray	
Kostelka	Nevers	
Total - 10		

**NAYS**

Mr. President	Cortez	Peacock
Adley	Crowe	Riser
Allain	Donahue	Smith, G.
Amedee	Guillory	Smith, J.
Appel	Heitmeier	Tarver
Broome	Johns	Thompson
Brown	Long	Walsworth
Buffington	Martiny	Ward
Chabert	Morrell	White
Claitor	Morrish	
Total - 29		

**ABSENT**

Total - 0

The Chair declared the amendments were rejected.

**Floor Amendments**

Senator Nevers proposed the following amendments.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Nevers to Reengrossed House Bill No. 976 by Representative Carter

AMENDMENT NO. 1

On page 8, delete line 26 and insert the following:

"(c) The entity, provided such is a private, nonprofit corporation, has been incorporated for not less than three years. Such requirement shall not apply to any state agency, Louisiana public postsecondary education institution, or a nonprofit corporation established by the governing authority of a parish or municipality."

Senator Nevers moved the adoption of the amendments.

Senator Appel objected.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Dorsey-Colomb	LaFleur	Peterson
Erdey	Long	Smith, G.
Gallot	Murray	
Kostelka	Nevers	
Total - 10		

**NAYS**

Mr. President	Cortez	Peacock
Adley	Donahue	Perry
Allain	Guillory	Riser
Amedee	Heitmeier	Smith, J.
Appel	Johns	Tarver
Brown	Martiny	Thompson
Buffington	Mills	Walsworth
Chabert	Morrell	Ward
Claitor	Morrish	White
Total - 27		

**ABSENT**

Broome  
Total - 2

Crowe

The Chair declared the amendments were rejected.

**Floor Amendments**

Senator Thompson proposed the following amendments.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Thompson to Reengrossed House Bill No. 976 by Representative Carter

AMENDMENT NO. 1

On page 22, line 15, after "A.(1)" delete the remainder of the line and insert "Except as otherwise provided by this Subsection, for the purpose"

AMENDMENT NO. 2

On page 22, delete lines 20 through 24 and insert the following: "Except as otherwise provided by this Subsection, Type 2 charter schools shall receive a per pupil amount each year from the state Department of Education using state funds specifically provided for this purpose. Type 1B charter schools and Type 2 charter schools authorized by the State Board of Elementary and Secondary Education after July 1, 2008, shall receive a per pupil amount each year as provided in the Minimum Foundation Program"

Senator Thompson moved the adoption of the amendments.

Senator Appel objected.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Allain	Kostelka	Peterson
Cortez	LaFleur	Smith, G.
Dorsey-Colomb	Long	Thompson
Erdey	Murray	Walsworth
Gallot	Nevers	White
Total - 15		

**NAYS**

Mr. President	Claitor	Morrish
Adley	Crowe	Peacock
Amedee	Donahue	Perry
Appel	Heitmeier	Smith, J.
Broome	Johns	Tarver
Brown	Martiny	Ward
Buffington	Mills	
Chabert	Morrell	
Total - 22		

**ABSENT**

Guillory  
Total - 2

Riser

The Chair declared the amendments were rejected.

**Floor Amendments**

Senator Adley proposed the following amendments.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Adley to Reengrossed House Bill No. 976 by Representative Carter

AMENDMENT NO. 1

On page 28, line 6, between "institutions," and "and corporations" insert "including any postsecondary institution under the management of the Board of Supervisors of Community and Technical Colleges,"

On motion of Senator Adley, the amendments were adopted.

Floor Amendments

Senator Murray proposed the following amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Murray to Reengrossed House Bill No. 976 by Representative Carter

AMENDMENT NO. 1

On page 13, between lines 3 and 4, insert the following: "D. A non-profit corporation certified by the State Board of Elementary and Secondary Education as a local charter authorizer shall submit to the Department of Education an annual independent financial audit performed by a certified public accountant who has been approved by the legislative auditor. The audit shall be performed in accordance with generally accepted governmental auditing standards and the Louisiana Governmental Audit Guide. The completed audit shall be submitted annually to the Department of Education and the Legislative Auditor and shall be subject to the provisions of R.S. 24:513 in so far as it pertains to quasi-public agencies."

On motion of Senator Murray, the amendments were adopted.

Floor Amendments

Senator Erdey proposed the following amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Erdey to Reengrossed House Bill No. 976 by Representative Carter

AMENDMENT NO. 1

Delete the set of Senate Floor Amendments proposed by Senator LaFleur and adopted by the Senate on April 4, 2012, that are designated as SFAHB976 YOUNGJ 1921

AMENDMENT NO. 2

On page 2, at the end of line 25, between "school;" and "and" insert "to require certain local charter authorizers to comply with the open meetings law, the public records law, and the ethics code;"

AMENDMENT NO. 3

On page 13, between lines 3 and 4, insert the following: "C. Any non-profit corporation certified by the State Board of Elementary and Secondary Education as a local charter authorizer shall be subject to the Open Meetings Law in accordance with R.S. 42:11 et seq., the Public Records Law in accordance with R.S. 44:1 et seq., and the Code of Governmental Ethics in accordance with R.S. 42:1101 et seq. when exercising its authority as a local charter authorizer."

On motion of Senator Erdey, the amendments were adopted.

Floor Amendments

Senator Dorsey-Colomb proposed the following amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Dorsey-Colomb to Reengrossed House Bill No. 976 by Representative Carter

AMENDMENT NO. 1

On page 7, line 13, after "kind" delete the remainder of the line and insert "." a period.

AMENDMENT NO. 2

On page 7, delete lines 14 and 15 in their entirety.

On motion of Senator Dorsey-Colomb, the amendments were adopted.

Floor Amendments

Senator Nevers proposed the following amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Nevers to Reengrossed House Bill No. 976 by Representative Carter

AMENDMENT NO. 1

On page 10, at the end of line 14, between "charter schools" and the period "." insert ", or to the local public school district where the charter is located; provided such school district has sufficient capacity at the appropriate grade level in schools with a performance letter grade designation of "A", "B", or "C", or any variation thereof, in which to enroll the students attending such transferred schools"

AMENDMENT NO. 2

On page 11, line 2, between "charter schools" and the period "." insert ", or to the local public school district where the charter is located; provided such school district has sufficient capacity at the appropriate grade level in schools with a performance letter grade designation of "A", "B", or "C", or any variation thereof, in which to enroll the students attending such transferred schools"

Senator Nevers moved the adoption of the amendments.

Senator Appel objected.

ROLL CALL

The roll was called with the following result:

YEAS

Broome	Gallot	Nevers
Claitor	Kostelka	Peacock
Cortez	LaFleur	Perry
Crowe	Long	Peterson
Dorsey-Colomb	Murray	Smith, G.
Total - 15		

NAYS

Mr. President	Donahue	Riser
Adley	Erdey	Smith, J.
Allain	Guillory	Tarver
Amedee	Heitmeier	Thompson
Appel	Johns	Walsworth
Brown	Martiny	Ward
Buffington	Mills	White
Chabert	Morrell	
Total - 23		

ABSENT

Morrish  
Total - 1

The Chair declared the amendments were rejected.

Floor Amendments

Senator Nevers proposed the following amendments.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Nevers to Reengrossed House Bill No. 976 by Representative Carter

AMENDMENT NO. 1

On page 13, line 2, between "board" and the period "." insert ". provided however, that the state board shall first afford the local school district within whose boundaries the assets are located the option to purchase or otherwise acquire such public assets"

On motion of Senator Nevers, the amendments were adopted.

**Floor Amendments**

Senator Nevers proposed the following amendments.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Nevers to Reengrossed House Bill No. 976 by Representative Carter

AMENDMENT NO. 1

On page 16, line 12, after "application" insert a period "." and delete the remainder of the line, delete line 13 in its entirety, and at the beginning of line 14, delete "open only one school at a time."

On motion of Senator Nevers, the amendments were adopted.

**Floor Amendments**

Senator Nevers proposed the following amendments.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Nevers to Reengrossed House Bill No. 976 by Representative Carter

AMENDMENT NO. 1

On page 23, line 28, between "schools" and "with respect" insert ". including but not limited to laws"

Senator Nevers moved the adoption of the amendments.

Senator Appel objected.

**ROLL CALL**

The roll was called with the following result:

YEAS

Broome	Kostelka	Nevers
Dorsey-Colomb	LaFleur	Peterson
Gallot	Murray	Smith, G.
Total - 9		

NAYS

Mr. President	Donahue	Peacock
Adley	Erdey	Perry
Allain	Guillory	Riser
Amedee	Heitmeier	Smith, J.
Appel	Johns	Thompson
Brown	Long	Walsworth
Buffington	Martiny	Ward
Chabert	Mills	White
Claitor	Morrell	
Crowe	Morrish	
Total - 28		

ABSENT

Cortez	Tarver
Total - 2	

The Chair declared the amendments were rejected.

**Floor Amendments**

Senator Nevers proposed the following amendments.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Nevers to Reengrossed House Bill No. 976 by Representative Carter

AMENDMENT NO. 1

On page 35, between lines 23 and 24, insert the following:

"(d) Was enrolled in a participating nonpublic school in Louisiana on October first and on February first of the most recent school year pursuant to the definition of student membership established by the state board for purposes of the Minimum Foundation Program formula and would have attended a public school that received a letter grade of "C", "D", or "F", or any variation thereof, had such student enrolled in the local public school system."

Senator Nevers moved the adoption of the amendments.

Senator Appel objected.

**ROLL CALL**

The roll was called with the following result:

YEAS

Gallot	Kostelka	Peacock
Guillory	Nevers	Smith, G.
Total - 6		

NAYS

Mr. President	Cortez	Murray
Adley	Crowe	Perry
Allain	Donahue	Peterson
Amedee	Dorsey-Colomb	Riser
Appel	Erdey	Smith, J.
Broome	Heitmeier	Tarver
Brown	Long	Thompson
Buffington	Martiny	Walsworth
Chabert	Mills	Ward
Claitor	Morrish	White
Total - 30		

ABSENT

Johns	LaFleur	Morrell
Total - 3		

The Chair declared the amendments were rejected.

**Floor Amendments**

Senator Dorsey-Colomb proposed the following amendments.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Dorsey-Colomb to Reengrossed House Bill No. 976 by Representative Carter

AMENDMENT NO. 1

On page 7, line 8, after "pardoned" insert a "." period and delete the remainder of the line.

AMENDMENT NO. 2

On page 7, delete line 9 in its entirety.

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Senator Dorsey-Colomb moved the adoption of the amendments.

Senator Appel objected.

ROLL CALL

The roll was called with the following result:

YEAS

Amedee, Broome, Dorsey-Colomb, Erdey, Gallot, Heitmeier, Kostelka, Long, Mills, Murray, Peacock, Peterson, Riser, Smith, G., Smith, J., Walsworth

NAYS

Mr. President, Adley, Allain, Appel, Brown, Buffington, Chabert, Claitor, Cortez, Crowe, Guillory, Johns, Martiny, Nevers, Perry, Tarver, White

ABSENT

Donahue, LaFleur, Morrell, Morrish, Thompson, Ward

The Chair declared the amendments were rejected.

Floor Amendments

Senator Nevers proposed the following amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Nevers to Reengrossed House Bill No. 976 by Representative Carter

AMENDMENT NO. 1

On page 32, line 28, between "C.(1)" and "percent" change "Fifty" to "Twenty-five"

AMENDMENT NO. 2

On page 33, line 1, between "course and" and "percent" change "fifty" to "seventy-five"

AMENDMENT NO. 3

On page 33, line 9, between "remaining" and "percent" change "ten" to "thirty-five"

Senator Nevers moved the adoption of the amendments.

Senator Appel objected.

ROLL CALL

The roll was called with the following result:

YEAS

Dorsey-Colomb, Erdey, Gallot, Kostelka, Long, Murray, Nevers, Peterson, Walsworth

NAYS

Mr. President, Adley, Allain, Chabert, Claitor, Crowe, Mills, Morrell, Peacock

Amedee, Appel, Broome, Brown, Buffington, Donahue, Appel, Guillory, Heitmeier, Johns, Martiny, Riser, Smith, J., Tarver, Thompson, White

ABSENT

Cortez, LaFleur, Morrish, Perry, Smith, G., Ward

The Chair declared the amendments were rejected.

Floor Amendments

Senator Nevers proposed the following amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Nevers to Reengrossed House Bill No. 976 by Representative Carter

AMENDMENT NO. 1

On page 42, line 23, between "located" and "outside" insert "inside or"

AMENDMENT NO. 2

On page 42, at the end of line 23 insert ", except for charter schools authorized by the local school district."

Senator Nevers moved the adoption of the amendments.

Senator Appel objected.

ROLL CALL

The roll was called with the following result:

YEAS

Dorsey-Colomb, Erdey, Gallot, Kostelka, Murray, Nevers, Peterson, Thompson

NAYS

Mr. President, Adley, Allain, Amedee, Appel, Broome, Brown, Buffington, Chabert, Claitor, Crowe, Donahue, Guillory, Heitmeier, Johns, Long, Martiny, Mills, Morrell, Morrish, Peacock, Riser, Smith, J., Tarver, Walsworth, White

ABSENT

Cortez, LaFleur, Perry, Smith, G., Ward

The Chair declared the amendments were rejected.

Floor Amendments

Senator Kostelka proposed the following amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Kostelka to Reengrossed House Bill No. 976 by Representative Carter

AMENDMENT NO. 1

On page 12, between lines 7 and 8, insert the following:  
 "(c) The local charter authorizer may not accept or approve charter proposals that provide for a charter school to accept students residing in the jurisdiction of a public school system or district that has received a District Performance Score of "A" or "B.""

Senator Kostelka moved the adoption of the amendments.

Senator Appel objected.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Crowe	Kostelka	Peterson
Dorsey-Colomb	Long	Smith, G.
Erdey	Murray	Thompson
Gallot	Nevers	
Total - 11		

**NAYS**

Mr. President	Chabert	Mills
Adley	Claitor	Morrell
Allain	Cortez	Peacock
Amedee	Donahue	Perry
Appel	Guillory	Riser
Broome	Heitmeier	Smith, J.
Brown	Johns	Tarver
Buffington	Martiny	Ward
Total - 24		

**ABSENT**

LaFleur	Walsworth
Morrish	White
Total - 4	

The Chair declared the amendments were rejected.

**Floor Amendments**

Senator Nevers proposed the following amendments.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Nevers to Reengrossed House Bill No. 976 by Representative Carter

AMENDMENT NO. 1

On page 39, at the beginning of line 15, change "(9)" to "(9)(a)"

AMENDMENT NO. 2

On page 39, between lines 18 and 19, insert the following:  
 "(b) Each participating nonpublic school shall be required to participate in the Louisiana School and District Accountability System in the same manner and to the same extent as public elementary and secondary schools, including assignment of a performance letter grade."

Senator Nevers moved the adoption of the amendments.

Senator Appel objected.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Broome	LaFleur	Peterson
Crowe	Long	Smith, G.
Dorsey-Colomb	Murray	Smith, J.

Erdey	Nevers	Thompson
Gallot	Peacock	
Kostelka	Perry	
Total - 16		

**NAYS**

Mr. President	Chabert	Morrell
Adley	Claitor	Morrish
Allain	Cortez	Riser
Amedee	Donahue	Tarver
Appel	Guillory	Walsworth
Brown	Heitmeier	Ward
Buffington	Martiny	White
Total - 21		

**ABSENT**

Johns	Mills
Total - 2	

The Chair declared the amendments were rejected.

**Floor Amendments**

Senator LaFleur proposed the following amendments.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator LaFleur to Reengrossed House Bill No. 976 by Representative Carter

AMENDMENT NO. 1

On page 3, line 20, change "'F'" to "'D" or "F'"

On motion of Senator LaFleur, the amendments were adopted.

**Floor Amendments**

Senator Murray proposed the following amendments.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Murray to Reengrossed House Bill No. 976 by Representative Carter

AMENDMENT NO. 1

On page 1, line 8, between "17:10.5(F)" and the comma "," insert "and (G)"

AMENDMENT NO. 2

On page 2, line 1, after "transferred to" and before "the" insert "or removed from the jurisdiction of"

AMENDMENT NO. 3

On page 3, line 4, after "R.S." and before "3973(2)(b)(vi)," change "17:10.5(F)," to "17:10.5(F) and (G),"

AMENDMENT NO. 4

On page 4, between lines 28 and 29, insert the following:  
 "G.(1) Notwithstanding the provisions of Paragraph (A)(1) of this Section, a public school or public charter school shall be removed from the jurisdiction of the Recovery School District and returned to the administration and management of the school system from which it was transferred if such return is approved by the State Board of Elementary and Secondary Education and both of the following conditions are met:

(a) Parents or legal guardians representing a majority of the students attending the school sign a petition requesting that the school be removed from the jurisdiction of the Recovery School District and returned to the administration and management of the school system from which it was transferred.

(b) The school has received a letter grade of "F" or any variation thereof, pursuant to the Louisiana School and District Accountability System for three consecutive years.

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(2) The State Board of Elementary and Secondary Education shall develop and adopt rules and regulations for implementation of this Subsection which shall include but not be limited to:

(a) The format and procedures for submitting a petition pursuant to this Paragraph to the state superintendent of education to be brought by him before the State Board of Elementary and Secondary Education for review, consideration, and action.

(b) A requirement that each student may be signed for by his parents or legal guardians only one time on any given petition such that each student equals one signature.

(c) Signature validation procedures that include the following requirements:

(i) That upon submission of a petition, the state Department of Education shall determine if the number of signatures represents a majority of the students attending the school.

(ii) That the signatures be assumed valid unless challenged or there is reasonable doubt of their validity. If validity is challenged or doubted, the department shall, within forty-five calendar days, review and verify the signatures. If the department finds that the number of valid signatures is fewer than the majority required, parents or legal guardians shall have thirty calendar days, commencing with a date specified by the department, to resolve such discrepancies and collect the signatures of additional parents or legal guardians. Signatures shall not be discounted over technicalities if the clear intent of the parent or legal guardian was to support the petition.

(d) Transfer procedures for students who choose not to remain enrolled at the school as a result of the state board's decision to return the school to the administration and management of the school system from which it was transferred.

(3) The state Department of Education shall maintain records regarding the contents and outcomes of the petitions.

(4) Parents or legal guardians shall be free from harassment, threats, and intimidation related to circulation of or signing a petition.

(5) School and district resources shall not be used to support or oppose any effort by petitioning parents or legal guardians to gather signatures and submit a petition."

Senator Murray moved the adoption of the amendments.

Senator Appel objected.

ROLL CALL

The roll was called with the following result:

YEAS

Adley Erdey Murray
Buffington Gallot Nevers
Cortez Kostelka Peterson
Dorsey-Colomb LaFleur Smith, J.

Total - 12

NAYS

Mr. President Guillory Perry
Allain Heitmeier Riser
Amedee Johns Smith, G.
Appel Long Tarver
Brown Martiny Walsworth
Chabert Mills Ward
Claitor Morrell White
Crowe Morrish
Donahue Peacock

Total - 25

ABSENT

Broome Thompson

Total - 2

The Chair declared the amendments were rejected.

The bill was read by title. Senator Appel moved the final passage of the amended bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President Claitor Morrell
Adley Cortez Peacock
Allain Crowe Riser
Amedee Donahue Smith, G.
Appel Guillory Tarver
Brown Heitmeier Walsworth
Buffington Long Ward
Chabert Martiny White

Total - 24

NAYS

Broome Kostelka Nevers
Dorsey-Colomb LaFleur Perry
Erdey Mills Peterson
Gallot Morrish Smith, J.
Johns Murray Thompson

Total - 15

ABSENT

Total - 0

The Chair declared the amended bill was passed and ordered it returned to the House. Senator Appel moved to reconsider the vote by which the bill was passed and laid the motion on the table.

Rules Suspended

Senator Thompson asked for and obtained a suspension of the rules to revert to the Morning Hour.

Message from the House

CONCURRING IN SENATE CONCURRENT RESOLUTIONS

April 4, 2012

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has finally concurred in the following Senate Concurrent Resolutions:

SENATE CONCURRENT RESOLUTION NO. 44—

BY SENATOR MORRELL

A CONCURRENT RESOLUTION

To commend and congratulate Ashton Phelps Jr. upon his retirement as publisher of the New Orleans Times-Picayune and as president of The Times-Picayune Publishing Corporation and for his many contributions made to the state of Louisiana.

Reported without amendments.

Respectfully submitted, ALFRED W. SPEER Clerk of the House of Representatives

Introduction of Senate Concurrent Resolutions

SENATE CONCURRENT RESOLUTION NO. 48—

BY SENATOR MILLS

A CONCURRENT RESOLUTION

To commend Mary Julia S. Terrebonne upon her retirement from the Louisiana Department of Health and Hospitals.

The resolution was read by title and placed on the Calendar for a second reading.

**Message from the House**

**ASKING CONCURRENCE IN  
HOUSE BILLS AND JOINT RESOLUTIONS**

April 4, 2012

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has finally passed and asks your concurrence in the following House Bills and Joint Resolutions:

HB NO. 18	HB NO. 64	HB NO. 90
HB NO. 94	HB NO. 111	HB NO. 119
HB NO. 122	HB NO. 143	HB NO. 150
HB NO. 156	HB NO. 160	HB NO. 178
HB NO. 193	HB NO. 208	HB NO. 271
HB NO. 359	HB NO. 362	HB NO. 432
HB NO. 447	HB NO. 569	HB NO. 571
HB NO. 809	HB NO. 836	HB NO. 945
HB NO. 980	HB NO. 984	HB NO. 994

Respectfully submitted,  
ALFRED W. SPEER  
Clerk of the House of Representatives

**House Bills and Joint Resolutions  
on First Reading**

**HOUSE BILL NO. 18—**  
BY REPRESENTATIVE JAY MORRIS AND SENATOR KOSTELKA  
AN ACT

To amend and reenact R.S. 14:34, 34.1(B) and (C), and 34.7, relative to the crime of battery; to provide for increased penalties for certain crimes of battery when the victim is an active member of the United States Armed Forces or a disabled veteran of the United States Armed Forces; to provide for definitions; and to provide for related matters.

The bill was read by title and placed on the Calendar for a second reading.

**HOUSE BILL NO. 64—**  
BY REPRESENTATIVE HENSGENS  
AN ACT

To amend and reenact R.S. 14:112.1(A)(introductory paragraph) and (1), (B)(2), and (C) and to enact R.S. 14:112.1(B)(3), relative to offenses affecting law enforcement; to amend the crime of false personation of a peace officer to include firefighters; to provide for definitions; and to provide for related matters.

The bill was read by title and placed on the Calendar for a second reading.

**HOUSE BILL NO. 90—**  
BY REPRESENTATIVE MACK  
AN ACT

To enact Code of Criminal Procedure Article 162.2, relative to search warrants; to provide for the issuance of search warrants upon electronic testimony; to provide procedures for the issuance of warrants upon electronic testimony; to provide for definitions; and to provide for related matters.

The bill was read by title and placed on the Calendar for a second reading.

**HOUSE BILL NO. 94—**  
BY REPRESENTATIVE CROMER  
AN ACT

To enact R.S. 49:191(6)(a) and to repeal R.S. 49:191(4)(b), relative to the Department of Insurance, including provisions to provide for the re-creation of the Dept. of Insurance and the statutory entities made a part of the department by law; to provide for the effective termination date for all statutory authority for the existence of such statutory entities; and to provide for related matters.

The bill was read by title and placed on the Calendar for a second reading.

**HOUSE BILL NO. 111—**  
BY REPRESENTATIVE GUILLORY  
AN ACT

To authorize and provide for the transfer of certain state property; to authorize the transfer of certain state property in St. Landry Parish; to provide for the property description; to provide for reservation of mineral rights; to provide terms and conditions; to provide an effective date; and to provide for related matters.

The bill was read by title and placed on the Calendar for a second reading.

**HOUSE BILL NO. 119—**  
BY REPRESENTATIVE LOPINTO  
AN ACT

To amend and reenact R.S. 15:571.21(B) and to enact R.S. 15:571.21(C), relative to probation and parole fees; to amend provisions relative to monetary assessments imposed as conditions of probation or parole; to provide for the assessment of a collection fee for certain funds due; to provide for the reinvestment of certain collected funds; to authorize the secretary of the Department of Public Safety and Corrections to enter into certain fee collection contracts; and to provide for related matters.

The bill was read by title and placed on the Calendar for a second reading.

**HOUSE BILL NO. 122—**  
BY REPRESENTATIVE LOPINTO  
AN ACT

To amend and reenact R.S. 15:824(A) and (C), relative to the commitment of persons to the custody of the Department of Public Safety and Corrections; to authorize the commitment of certain persons to the custody of the Department of Public Safety and Corrections prior to conviction or sentencing; to provide for the housing of those persons; to provide for reimbursement to the department; and to provide for related matters.

The bill was read by title and placed on the Calendar for a second reading.

**HOUSE BILL NO. 143—**  
BY REPRESENTATIVE GISCLAIR  
AN ACT

To authorize and provide for the transfer of certain state property; to authorize the transfer of certain state property in Lafourche Parish; to provide for the property description; to provide for reservation of mineral rights; to provide terms and conditions; to provide an effective date; and to provide for related matters.

The bill was read by title and placed on the Calendar for a second reading.

April 4, 2012

**HOUSE BILL NO. 150—**

BY REPRESENTATIVE RITCHIE  
AN ACT

To amend and reenact R.S. 22:254(C), relative to health maintenance organizations; to clarify the minimum required capital and surplus for each such entity; and to provide for related matters.

The bill was read by title and placed on the Calendar for a second reading.

**HOUSE BILL NO. 156—**

BY REPRESENTATIVE SIMON  
AN ACT

To amend and reenact R.S. 46:236.1(C) and (D)(4) and (5) and to enact R.S. 46:236.1(A)(7) and (D)(6), relative to the Supplemental Nutrition Assistance Program educational component; to provide for legislative findings; to provide for requirements of nutrition education services; to provide for reporting requirements of the Department of Children and Family Services; and to provide for related matters.

The bill was read by title and placed on the Calendar for a second reading.

**HOUSE BILL NO. 160—**

BY REPRESENTATIVE RITCHIE  
AN ACT

To amend and reenact R.S. 22:821(B)(2), relative to the annual financial regulation fee assessed and collected by the commissioner of insurance; to include vehicle mechanical breakdown insurers and property residual value insurers among such insurers; and to provide for related matters.

The bill was read by title and placed on the Calendar for a second reading.

**HOUSE BILL NO. 178—**

BY REPRESENTATIVE PONTI  
AN ACT

To amend and reenact R.S. 44:3.2(C), (D), and (E) and to enact R.S. 44:3.2(F), relative to economic development; to provide for the confidentiality of any proprietary or trade secret information submitted to the Department of Economic Development for economic development purposes; to provide for an effective date; and to provide for related matters.

The bill was read by title and placed on the Calendar for a second reading.

**HOUSE BILL NO. 193—**

BY REPRESENTATIVE REYNOLDS  
AN ACT

To amend and reenact R.S. 22:1986, relative to examinations of insurers by the commissioner of insurance; to provide with respect to the compensation of personnel employed by the commissioner of insurance to conduct such examinations; to delete provisions relative to the disposition of such monies; and to provide for related matters.

The bill was read by title and placed on the Calendar for a second reading.

**HOUSE BILL NO. 208—**

BY REPRESENTATIVE PONTI  
AN ACT

To amend and reenact R.S. 44:22(F), relative to economic development; to extend the sunset for the confidentiality of information submitted to the Department of Economic Development; to provide for an effective date; and to provide for related matters.

The bill was read by title and placed on the Calendar for a second reading.

**HOUSE BILL NO. 271—**

BY REPRESENTATIVE LOPINTO  
AN ACT

To amend and reenact R.S. 27:44.1(D)(1)(a), relative to alternative inspections for riverboats; to provide with respect to inspection standards utilizing United States Coast Guard criteria; and to provide for related matters.

The bill was read by title and placed on the Calendar for a second reading.

**HOUSE BILL NO. 359—**

BY REPRESENTATIVE PIERRE  
AN ACT

To amend and reenact R.S. 22:1921(B) and (C) and to enact R.S. 22:1921(D), relative to the insurance fraud section of the Department of Insurance; to clarify language relative to background checks; to provide for certain technical changes; and to provide for related matters.

The bill was read by title and placed on the Calendar for a second reading.

**HOUSE BILL NO. 362—**

BY REPRESENTATIVE KATRINA JACKSON  
AN ACT

To amend and reenact R.S. 40:1236.13(E), relative to automated external defibrillators; to allow high schools that participate in interscholastic athletics to have an automated external defibrillator on their premises; and to provide for related matters.

The bill was read by title and placed on the Calendar for a second reading.

**HOUSE BILL NO. 432—**

BY REPRESENTATIVE LOPINTO  
AN ACT

To repeal R.S. 15:308(C) and 574.22, relative to the Louisiana Risk Review Panel; to repeal the statutory authority for the panel.

The bill was read by title and placed on the Calendar for a second reading.

**HOUSE BILL NO. 447—**

BY REPRESENTATIVE LOPINTO  
AN ACT

To amend and reenact R.S. 27:44(3), 45(A)(introductory paragraph), 52(introductory paragraph) and (3) and (4), and 65(B)(2), (5), (13), and (15) and to repeal R.S. 27:46, 48, 51, 88, and 97, relative to the Riverboat Gaming Commission; to repeal antiquated references to the Riverboat Gaming Commission; and to provide for related matters.

The bill was read by title and placed on the Calendar for a second reading.

**HOUSE BILL NO. 569—**

BY REPRESENTATIVE HUNTER  
AN ACT

To amend and reenact R.S. 22:1926(A), relative to insurance fraud; to clarify terms relative to insurance fraud; and to provide for related matters.

The bill was read by title and placed on the Calendar for a second reading.

**HOUSE BILL NO. 571—**

BY REPRESENTATIVE ST. GERMAIN  
AN ACT

To amend and reenact R.S. 30:2000.6(A)(11) and (12) and (D) and 2000.11(B), relative to the Atchafalaya Basin Research and Promotion Board; to provide relative to voting members of the board; and to provide for related matters.

The bill was read by title and placed on the Calendar for a second reading.

**HOUSE BILL NO. 809—**  
BY REPRESENTATIVE HAVARD  
AN ACT

To authorize and provide for the transfer of certain state property; to authorize the transfer of certain state property in East Feliciana Parish; to provide for the property description; to provide for reservation of mineral rights; to provide terms and conditions; to provide an effective date; and to provide for related matters.

The bill was read by title and placed on the Calendar for a second reading.

**HOUSE BILL NO. 836—**  
BY REPRESENTATIVE HAZEL  
AN ACT

To amend and reenact Code of Criminal Procedure Article 905.2(B), relative to sentencing hearings in capital cases; to provide that members of the Board of Pardons shall not be required to appear at sentencing hearings for capital cases; and to provide for related matters.

The bill was read by title and placed on the Calendar for a second reading.

**HOUSE BILL NO. 945—**  
BY REPRESENTATIVES HENRY BURNS AND GREENE  
AN ACT

To amend and reenact R.S. 17:3048.1(A)(1)(b)(i), (c)(i), (d)(i), and (4)(a)(iii), (B)(3)(a), (P)(1)(c), (2)(b), (3)(b), and (4)(b), (Q)(1)(d), and (V)(1)(c), relative to the Taylor Opportunity Program for Students; to provide for initial award eligibility and continuing eligibility for certain students who reenlist in the United States Armed Forces and maintain continuous active duty under certain circumstances; to extend the length of time required to claim or maintain an award for certain students on active duty under certain circumstances; to provide for applicability; to provide an effective date; and to provide for related matters.

The bill was read by title and placed on the Calendar for a second reading.

**HOUSE BILL NO. 980—**  
BY REPRESENTATIVE MACK  
AN ACT

To amend and reenact Code of Criminal Procedure Article 496, relative to procedure after indictment; to provide relative to warrants of arrest on indictment or information; to require affidavits establishing probable cause for the issuance of warrants of arrest based on indictment or information; and to provide for related matters.

The bill was read by title and placed on the Calendar for a second reading.

**HOUSE BILL NO. 984—**  
BY REPRESENTATIVE ALFRED WILLIAMS  
AN ACT

To amend and reenact R.S. 15:705(D)(1) and (2), relative to the imposition of restitution on offenders in local correctional facilities; to expand restitution to cover medical costs to the offender or others which are caused by the offender; to provide for the amount of restitution; and to provide for related matters.

The bill was read by title and placed on the Calendar for a second reading.

**HOUSE BILL NO. 994—**  
BY REPRESENTATIVE LOPINTO  
AN ACT

To amend and reenact R.S. 15:571.3(B)(1)(a), relative to diminution of sentence for good behavior; to change the rate that diminution

of sentence is calculated for certain offenders; to provide for applicability; and to provide for related matters.

The bill was read by title and placed on the Calendar for a second reading.

**Message from the House**  
**ASKING CONCURRENCE IN**  
**HOUSE CONCURRENT RESOLUTIONS**

April 4, 2012

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has finally passed and asks your concurrence in the following House Concurrent Resolutions:

HCR NO. 70

Respectfully submitted,  
ALFRED W. SPEER  
Clerk of the House of Representatives

**House Concurrent Resolutions**  
**on First Reading**

**HOUSE CONCURRENT RESOLUTION NO. 70—**  
BY REPRESENTATIVE HARRIS  
A CONCURRENT RESOLUTION

To commend Harry B. Silver for his outstanding accomplishments and dedicated service to the city of Alexandria and the state of Louisiana.

The resolution was read by title and placed on the Calendar for a second reading.

**Privilege Report of the Committee on**  
**Senate and Governmental Affairs**

**ENROLLMENTS**

Senator Amedee, Chairman on behalf of the Committee on Senate and Governmental Affairs, submitted the following report:

April 4, 2012

To the President and Members of the Senate:

I am directed by your Committee on Senate and Governmental Affairs to submit the following report:

The following Senate Concurrent Resolution has been properly enrolled:

**SENATE CONCURRENT RESOLUTION NO. 47—**  
BY SENATORS MARTINY, ADLEY, ALARIO, APPEL, CHABERT, CORTEZ, CROWE, DORSEY-COLOMB, ERDEY, GUILLORY, HEITMEIER, JOHNS, KOSTELKA, LONG, MILLS, MORRELL, MURRAY, NEVERS, PEACOCK, RISER, GARY SMITH, JOHN SMITH, TARVER, THOMPSON, WALSWORTH, WARD AND WHITE  
A CONCURRENT RESOLUTION

To commend William Goldring as the recipient of the Times-Picayune Loving Cup for 2011.

Respectfully submitted,  
"JODY" AMEDEE  
Chairman

The foregoing Senate Concurrent Resolution was signed by the President of the Senate.

April 4, 2012

Message from the House

SIGNED HOUSE CONCURRENT RESOLUTIONS

April 3, 2012

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the Speaker of the House of Representatives has signed the following House Concurrent Resolutions:

HOUSE CONCURRENT RESOLUTION NO. 61—

BY REPRESENTATIVES DIXON, HARRIS, AND HAZEL AND SENATORS ADLEY, ALARIO, ALLAIN, AMEDEE, APPEL, BROOME, BROWN, BUFFINGTON, CHABERT, CLAITOR, CORTEZ, CROWE, DONAHUE, DORSEY-COLOMB, ERDEY, GALLOT, GUILLORY, HEITMEIER, JOHNS, KOSTELKA, LAFLEUR, LONG, MARTINY, MILLS, MORRELL, MORRISH, MURRAY, NEVERS, PEACOCK, PERRY, PETERSON, RISER, GARY SMITH, JOHN SMITH, TARVER, THOMPSON, WALSWORTH, WARD, AND WHITE

A CONCURRENT RESOLUTION

To urge and request the board of directors of the Rapides Primary Health Care Center to rename the center in honor of the late Israel "Bo" Curtis, former state representative, of Alexandria.

HOUSE CONCURRENT RESOLUTION NO. 62—

BY REPRESENTATIVES CHAMPAGNE AND HENSGENS

A CONCURRENT RESOLUTION

To commend Erath High School upon receiving a letter grade of A+ and an excellent school performance score.

and asked that the President of the Senate affix his signature to the same.

Respectfully submitted, ALFRED W. SPEER Clerk of the House of Representatives

The House Concurrent Resolutions contained herein were signed by the President of the Senate.

ATTENDANCE ROLL CALL

ROLL CALL

The roll was called with the following result:

PRESENT

Table with 3 columns: Mr. President, Dorsey-Colomb, Murray, Adley, Erdey, Nevers, Allain, Gallot, Peacock, Amedee, Guillory, Perry, Appel, Heitmeier, Peterson, Broome, Johns, Riser, Brown, Kostelka, Smith, G., Buffington, LaFleur, Smith, J., Chabert, Long, Tarver, Claitor, Martiny, Thompson, Cortez, Mills, Walsworth, Crowe, Morrell, Ward, Donahue, Morrish, White

Total - 39

ABSENT

Total - 0

Announcements

The following committee meetings for April 9, 2012, were announced:

Table with 3 columns: Finance, Retirement, 3:00 P.M., 3:00 P.M., Room A, Room E

Adjournment

On motion of Senator Thompson, at 9:15 o'clock P.M. the Senate adjourned until Monday, April 9, 2012, at 5:00 o'clock P.M.

The President of the Senate declared the Senate adjourned until 5:00 o'clock P.M. on Monday, April 9, 2012.

GLENN A. KOEPP Secretary of the Senate

DIANE O' QUIN Journal Clerk